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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
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12 Plaintiff,
13 v.
14 STEPHANIE LEA LAVAN,
15 Defendant.

Case No. 3:21-cr-00041-RCJ-CLB

ORDER GRANTING

**Motion to Conduct In-Person
Sentencing in Late 2022 or
Early 2023¹**

16 Stephanie Lavan's sentencing hearing is scheduled for Monday, December 12, 2022, at
17 10:00AM. ECF No. 28. Last week, the parties received notice that the Court would only be able
18 to accommodate a Zoom hearing on that date. The parties were further informed the Court
19 would be dark from then until April 2023, and that the earliest available in-person sentencing
20 date that the Court could provide was April 17, 2023.

21 Because of a number of considerations unique to this case, Ms. Lavan's preference is
22 for an in-person sentencing hearing, if possible. Ms. Lavan's base offense guideline is
23 incredibly high because of the quantity of drugs in her possession. The parties have agreed,
24 however, that a number of significant reductions apply to Ms. Lavan for different reasons,
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¹ This Motion is timely filed, no deadline applicable. The government defers to the Court as to the scheduling of the sentencing in this case.

1 including her role in the offense. Should the Court adopt the reductions recommended by the
2 parties, and incorporated by Probation, Ms. Lavan's guideline will be reduced dramatically.

3 Additionally, under the plea agreement, Ms. Lavan is able to seek a downward variance
4 from her adjusted guideline, which she intends to do. Ms. Lavan is 70 years old and has a
5 number of health issues. A downward variance is critical for Ms. Lavan to ensure that any
6 sentence she receives from this Court allows her to leave prison alive. The defense has prepared
7 an extensive mitigation presentation that it would like to present to the Court in person. Ms.
8 Lavan has one living son; the other passed away from cancer. The defense intends to present
9 mitigation testimony from Ms. Lavan's son, which undersigned counsel believes can only be
10 fully appreciated if conveyed to the Court in person.

11 Undersigned counsel also has concerns about delaying an in-person sentencing to April
12 2023 because of Ms. Lavan's health issues. As noted in the PSR, Ms. Lavan is experiencing
13 double vision and is having trouble moving around the facility because she can no longer judge
14 distance. She was seen by an eye doctor and was told that she does not have a vision problem,
15 but rather a neurological problem. She is scheduled to see a neurologist, but that appointment
16 has not yet occurred. She has fallen several times recently, resulting in significant bruising and
17 pain. The Washoe County Detention Facility has been working to provide Ms. Lavan the
18 appropriate medical care, but as a short-term facility, it is poorly equipped to provide the level
19 of care Ms. Lavan requires. The Bureau of Prisons has facilities that have more experience
20 providing long-term care for elderly inmates with significant medical issues. Ms. Lavan is
21 therefore eager to proceed to sentencing as soon as possible so that she can accelerate her
22 transfer into BOP custody.

23 The defense is sensitive to the ongoing COVID-19 pandemic and the effect it
24 necessarily has on the availability of in-person court appearances. The defense is able to
25 accommodate a continuance of the December 12, 2022, sentencing date to allow for the
26 sentencing to proceed at an in-person hearing at a time convenient to the Court. But because of

1 Ms. Lavan's current health concerns, the defense requests a date in December 2022 or in early
2 2023, preferably in January. Ms. Lavan will work to accommodate any in-person sentencing
3 date the Court may have available in the coming months.

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5 Dated this November 21, 2022.

6 RENE L. VALLADARES
7 Federal Public Defender

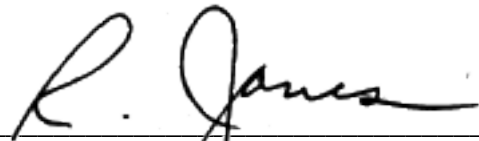
8 By: /s/ Kate Berry

9 KATE BERRY
10 Assistant Federal Public Defender

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12 IT IS ORDERED that the Motion to Conduct In-Person Sentencing in Late 2022 or Early
13 2023 (ECF No. 33) is GRANTED.

14 IT IS FURTHER ORDERED that the in-person sentencing currently scheduled for
15 Monday, December 12, 2022 is hereby vacated and rescheduled for Monday, January, 30
16 2023 at 10:00 AM in Reno Courtroom 3 before Judge Robert C. Jones.

17 Dated this 30th day of November, 2022.

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23 ROBERT C. JONES
24 UNITED STATES DISTRICT JUDGE
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